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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,404	07/18/2003	Sadaji Katogi	Q76523	2814
21171	7590	05/04/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			PICKARD, ALISON K	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,404

Applicant(s)

KATO ET AL.

Examiner

Alison K. Pickard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Otto (4,770,548).

Otto discloses an assembly comprising an outer member 2 with raceways 4, and inner member 8 with raceways 10, rolling elements 16, and at least one sealing member B. The sealing member has a plurality of sealing lips 34 and 36 extending toward a sealing surface 38 on the inner member. One of the lips 34 extends axially inwardly of the working space and is a non-contact sealing lip leaving a gap c between a free end face 40 and the sealing surface that permits air flow while preventing lubricant from exiting the working space and provides a sealing effect under relative motion. The other sealing lip contacts the sealing surface. The sealing member includes a core metal 30 and an elastic member 32. As seen in Figure 2, the free end face 40 has a width greater than that of the lip 36. The end face also has grooves 44.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' Admitted Prior Art (APA) (spec. pages 1-3 and Figures 12, 13A, and 13B) in view of Otto.

Applicants disclose a known assembly comprising an inner member, outer member, rolling elements, and at least one sealing member. The sealing member comprises plural lips extending toward either an L-shaped contact member 45 (Fig. 13B) or toward an inner member having a flange 32 (Fig. 13A). Applicants do not disclose that an innermost lip is a non-contact sealing lip. Otto teaches an assembly comprising an inner member, outer member, rolling elements, and at least one sealing member. The sealing member comprises plural lips. Otto teaches forming an axially innermost lip as a non-contacting lip. Otto teaches leaving a gap between a grooved free endface of the lip to pump lubricant back toward the bearing. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the axially innermost lip of admitted prior art with the teachings of Otto to pump or impel the lubricant back toward the bearing and improve the seal assembly.

5. Claim 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagase (6,168,315) in view of Otto.

Nagase discloses an assembly with an inner member, an outer member, plural rolling elements, and at least one sealing member. The sealing member has plural lips extending toward an L-shaped sealing contact member 26. The contact member 26 has a ring-shaped multi-pole magnet 34. Nagase does not disclose that an innermost lip (e.g. 41a) is a non-contact sealing lip. Otto teaches an assembly comprising an inner member, outer member, rolling elements, and at least one sealing member. The sealing member comprises plural lips. Otto teaches forming an

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axially innermost lip as a non-contacting lip. Otto teaches leaving a gap between a grooved free endface of the lip to pump lubricant back toward the bearing. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the axially innermost lip of Nagase with the teachings of Otto to pump or impel the lubricant back toward the bearing and improve the seal assembly.

Response to Arguments

6. Applicant's arguments filed 1-31-05 have been fully considered but they are not persuasive.

Regarding Applicants' argument that Otto does not disclose a gap size that permits air flow and prevents lubricant from exiting the workspace, the examiner disagrees. The claim defines the workspace between the inner and outer member and bordered by the sealing member. Therefore, even though Otto states some liquid *may* seep to lip 36, it does not exit the workspace in that it does not move past lip 36 (see col. 6, lines 45-61). The claims also require that the gap prevent lubricant from exiting the workspace "when a relative rotation takes place." When rotating, the Otto's gap does prevent lubricant from even moving past the gap (see col. 6, lines 11-31). Finally, Otto is considered to disclose the claimed limitations in that lubricant leakage is prevented. The claims do not require all leakage to be prevented. And, it is not completely clear (i.e. from the specification) if Applicant's gap prevents all leakage, including when the assembly is not in operation. It would seem that some leakage would occur when not in operation (i.e. similar to Otto) or else how would the second seal lip be lubricated and prevented from rapid wear?

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 571-272-7062. The examiner can normally be reached on M-F (10-7:30), with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 571-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alison K. Pickard
Primary Examiner
Art Unit 3676

AP



Fig. 12
PRIOR ART

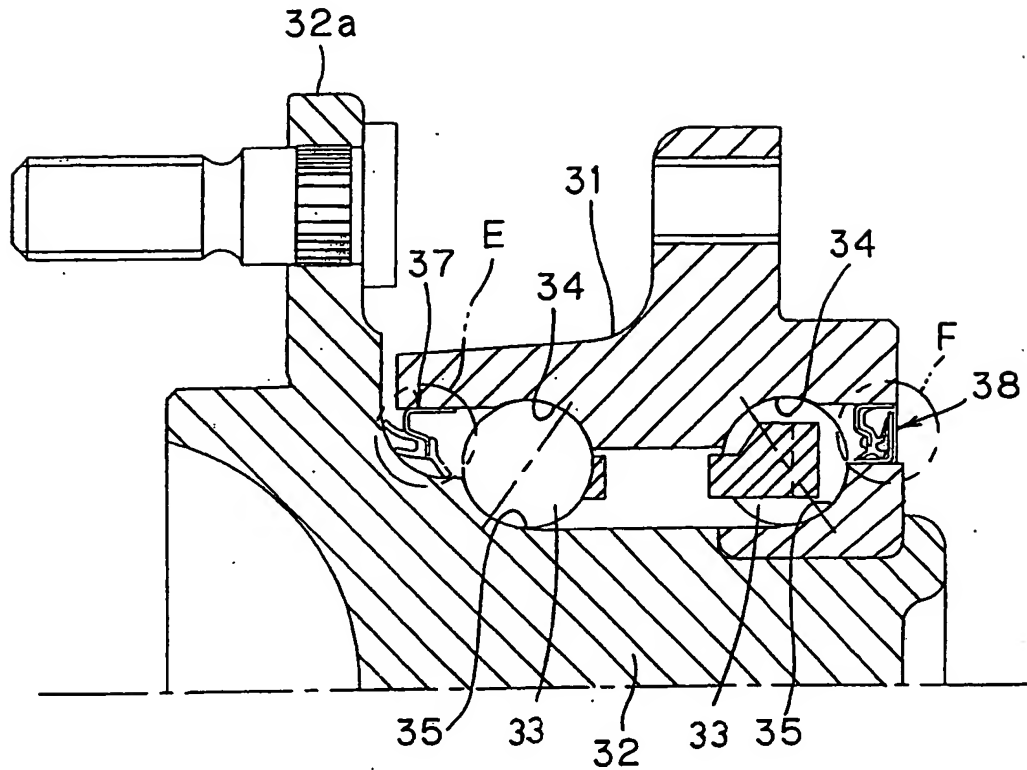


Fig. 13A
PRIOR ART

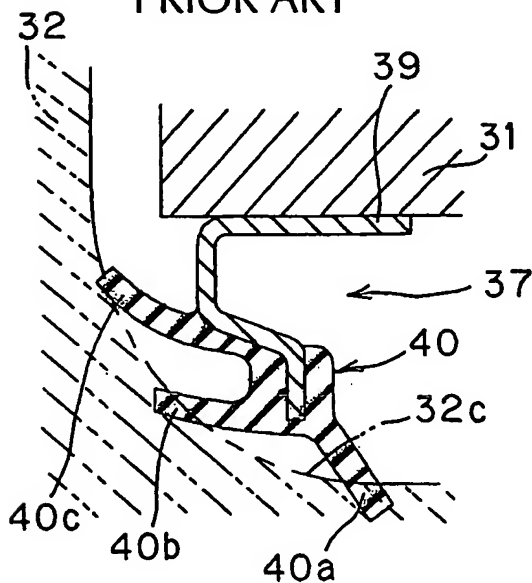
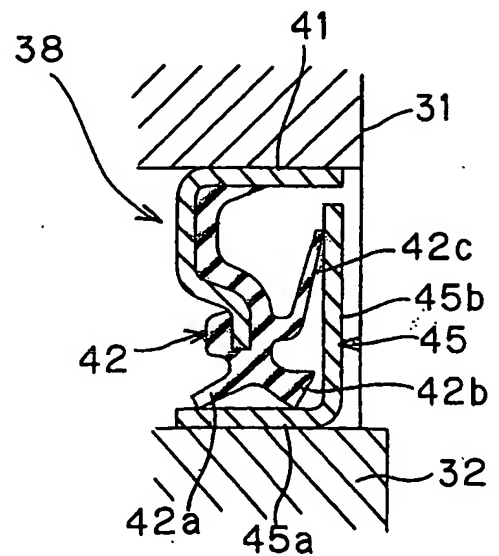


Fig. 13B
PRIOR ART



OK, AP 4-28-05